

E-FILED - 5/7/15

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.,

Plaintiff,

v.

KEVIN V. DUGAN,

Defendant.

NO. CR-03-20010-RMW

ORDER DENYING ANY OUTSTANDING
REQUESTS OR MOTIONS FILED BY
DEFENDANT PRO SE

[Docket Nos. 394, 402, 417, 418, 420, 422, 423,
425, 430, 431, 432, 433, 434, 437, 441, 444, 461,
462, 464, 465 and 470]

This order disposes of any pending requests or motions filed by defendant in a pro se status.

On November 19, 2007 Dugan was found guilty by a jury of four of the five charges brought against him. Specifically, he was found guilty of manufacturing more than 1,000 marijuana plants (21 U.S.C. § 841(b)(1)(A)(ii)), possession with intent to distribute more than 1,000 marijuana plants (21 U.S.C. § 841(b)(1)(A)(ii)), maintaining a place for the purpose of manufacturing a controlled substance (21 U.S.C. § 856(a)(1)), and being an unlawful user of a controlled substance in possession of a firearm (18 U.S.C. § 922(g)(3)). Dugan was found not guilty of a count charging him with carrying a firearm in furtherance of a drug trafficking crime (18 U.S.C. § 924(c)(1)(A)). In an order filed on December 18, 2008, the court denied Dugan's various motions for a new trial but did sustain the defense's challenge to the jury's finding that Dugan had possessed with an intent to distribute over 1,000 marijuana plants. However, the court found that the evidence sustained a finding that he possessed more than 100 plants with intent to distribute. Dugan was sentenced on December 22, 2008 to 96 months of confinement.

1 Dugan appealed his sentence which was affirmed on September 20, 2011. The Ninth Circuit issued a
2 published opinion rejecting defendant's Second Amendment challenges to his 18 U.S.C. § 922(g)(3) conviction.
3 *United States v. Dugan*, 657 F.3d 998 (9th Cir. 2011). The Ninth Circuit concurrently filed a separate
4 unpublished memorandum disposition rejecting defendant's other challenges to his conviction. *United States v.*
5 *Dugan*, 450 Fed.Appx. 633 (2011), 2011 WL 4361678 (9th Cir. Cal.).

6 On February 11, 2013 Dugan filed a motion to set aside his conviction and sentence under 18 U.S.C. §
7 2255. That motion was denied on November 26, 2014 as well as a Certificate of Appealability.

8 Dugan in his pro se status has filed an extraordinary number of post trial motions and requests in
9 addition to the papers filed by his many attorneys.¹

10 The court has reviewed the docket and satisfied itself that all outstanding requests and motions are
11 moot, not related to any pending matter or without merit. This includes all the matters bearing the docket
12 numbers in the caption of this order. Therefore, any and all motions or requests that have not expressly been
13 denied are hereby denied.

14 Dated: May 6, 2015

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16 RONALD M. WHYTE
17 United States District Judge
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28 ¹ Dugan has been represented at various times in the litigation by approximately thirteen different attorneys, most
of whom were chosen by him and later fired by him. However, even when represented, Dugan acting on his own filed many
papers in addition to those filed by his attorneys.

UNITED STATES DISTRICT COURT
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Case Number: CR03-20010 RMW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 7, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kevin Dugan
1589 Whiterock Circle
San Jose, CA 95125

Pro Se Defendant

Dated: May 7, 2015

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk